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### **REMARKS**

This reply is being filed in response to the final Official Action of October 24, 2005. The present application includes pending Claims 1-17, all of which stand rejected as being obvious under 35 U.S.C. § 103(a). In particular, the final Official Action rejects Claims 1, 2 and 7-14 as being obvious over U.S. Patent No. 6,367,009 to Mark C. Davis, et al. in view of U.S. Patent No. 5,948,064 to Daniel Wayne Bertram, et al. The final Official Action rejects Claims 4-6, 16 and 17 as being obvious over the Davis '009 patent in view of the Bertram '064 patent and in further view of U.S. Patent No. 6,240,091 to Philip Ginzboorg, et al. In addition, the final Official Action rejects Claims 3 and 15 as being obvious over the Davis '009 patent in view of the Bertram '064 patent, and in further view of U.S. Patent No. 5,774,552 to Francine G. Grimmer. As explained below, Applicants respectfully submit that the claimed invention is patentably distinct from the Davis '009 patent, the Bertram '064 patent, the Ginzboorg '091 patent and the Grimmer '552 patent, taken individually or in combination, and accordingly traverse the rejections of Claims 1-17 as being obvious over various combinations thereof. In view of the following remarks, Applicants respectfully request reconsideration of the present application and allowance of the pending claims. Alternatively, as the remarks presented herein do not raise any new issues or introduce any new matter, Applicant respectfully requests entry of this correspondence for purposes of narrowing the issues upon appeal.

#### ***A. No Motivation to Combine the Cited References***

All of the rejections are premised upon a combination of the Davis '009 patent and the Bertram '064 patent. As described below, Applicants respectfully submit that one skilled in the art would not be motivated to combine the Davis '009 patent and the Bertram '064 patent, and the rejections are therefore initially traversed on this basis. In particular, in order to properly combine references, a teaching or motivation to combine the references is essential. *In re Fine*, 337 F.2d 1071, 1075 (Fed. Cir. 1988). And as stated in MPEP, "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." MPEP § 2143.01 (citing *In re Mills*, 916 F.2d 680 (Fed. Cir. 1990)) (emphasis added). In fact, the Court of Appeals for the Federal Circuit has

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stated that, “[c]ombining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor’s disclosure as a blueprint for piecing together the prior art to defeat patentability -- the essence of hindsight.” *In re Dembiczak*, 175 F.3d 994 (Fed. Cir. 1999). Although the evidence of a suggestion, teaching, or motivation to combine the references commonly comes from the prior art references themselves, the suggestion, teaching, or motivation can come from the knowledge of one of ordinary skill in the art or the nature of the problem to be solved. *Id.* In any event, the showing must be clear and particular and “[b]road conclusory statements regarding the teaching effect of multiple references, standing alone, are not ‘evidence.’” *Id.*

In this instance, the Official Action alleges that “[i]t would be obvious to one skilled in the art to modify the system of Davis with the user account access control of Schneider because ACL’s [access control lists] do not provide the level of security and flexibility that user accounts do.” Applicants respectfully submit, however, that merely asserting that the level and flexibility of the security provided by the Davis ‘009 patent can be changed by modifying that system to include user accounts as disclosed by the Bertram ‘064 patent, without explaining the desirability of such a modification to the Davis ‘009 system, does not by itself provide the requisite motivation or suggestion to combine the references. First, the Official Action does not allege any benefit to user accounts over ACL’s, but merely that user accounts and ACL’s provide different levels of security and flexibility. Even if the Official Action did suggest that those differences rendered user accounts more desirable than ACL’s, however, Applicants respectfully submit that the Official Action has not provided any objective evidence to support this suggestion, whether in the nature of the problem to be solved, any of the cited references, or knowledge of those skilled in the art.

Moreover, Applicants respectfully submit that merely suggesting that a first means for performing a function has different characteristics than a second means does not support an assertion that it would have been obvious to modify a system by replacing the second means with the first means, without explaining the desirability of such a modification to the system. For example, the mere assertion that Fort Knox has a higher level of security than a simple combination lock does not support a finding that it would have been obvious to modify the front

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door of one's apartment by replacing an existing combination lock with the security of Fort Knox. One must consider the nature of the problem to be solved in considering whether it would have been desirable for one skilled in the art to make such a modification. In the above example, an individual looking to secure their apartment in an efficient manner may not find it desirable to replace their combination lock with the security of Fort Knox, even though Fort Knox provides a higher level of security than the combination lock. And in the instant case, Applicants respectfully submit that one skilled in the art would not have been motivated to replace the ACL of the Davis '009 system with the user accounts of the Bertram '064 system, even if the ACL and user accounts provide different levels of security and flexibility.

As further evidence that one skilled in the art would not have been led to the alleged combination, consider that the Bertram '064 patent (with its disclosed user accounts) predates, and is in fact assigned to the same entity as, the Davis '009 patent. Thus, if one skilled in the art would have found it desirable to employ user accounts (as in the Bertram '064 patent) instead of an ACL (as in the Davis '009 patent), Applicants respectfully submit that the later Davis '009 system would have initially included such user accounts, particularly in this instance where a common assignee for both references may imply an enhanced likelihood of availability of user account information to Davis, as compared with a situation where the references had different assignees. As the inventors of the Davis '009 system themselves chose to employ an ACL instead of user accounts, it stands to reason that in at least the context of the Davis '009 system, it would not have been obvious to one skilled in the art to alter the ACL of the Davis '009 system with user accounts, as in the Bertram '064 patent.

For each of the foregoing reasons, Applicants submit that one skilled in the art would not have been motivated to combine the teachings of the Davis '009 patent and the Bertram '064 patent. Thus, the rejections of the claims are respectfully traversed.

***B. The Claimed Invention is Patentably Distinct from the Cited References***

Even if the references were combined, however, Applicants submit that the combination of the references still does not teach or suggest the claimed invention. In this regard and for sake of reference, independent Claim 1 is directed to an access system that includes a certificate

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authentication component to verify a user's identity from a digital certificate, a directory to maintain an account for each user with each account containing an access policy specifying at least one portion of the computer site in which the user is permitted access, and an access control system for controlling access to a computer site by permitting the user to access a portion of the computer site and restricting the user from accessing at least one other portion of the computer site based on the access policy. Building upon the initial verification of the user's identity by the certificate authentication component, independent Claim 1 further recites that the directory maintains an account for each individual user, as opposed to a group of users. Moreover, independent Claim 1 specifies that the access control system controls the access based on the access policy associated with the individual user, again as opposed to a group. While Claim 1 has been described for purposes of example, independent Claims 8 and 13, which are directed to a method and another embodiment of an access system, include similar recitations.

As noted by the final Official Action, the Davis '009 patent fails to teach or suggest the claimed invention. In this regard, the Official Action states that "Davis does not disclose permitting the user access to a portion of a computer site and restricting the user from at least one other portion of the computer site. Davis does not disclose user accounts indicating which portion of the computer site to which the corresponding user is permitted access." Nonetheless, the Official Action alleges that the Bertram '064 patent discloses these features, and that it would have been obvious to one skilled in the art to combine the respective patents to disclose the claimed invention. To the contrary, however, Applicants respectfully submit that the Bertram '064 patent does not in fact teach or suggest a user account including an access policy indicating at least a portion of a computer site to which a corresponding user is permitted to access, or accordingly permitting/restricting access to portions of the computer site based on the access policy.

The Bertram '064 patent describes a system and method for discovery of authentication server domains in a computer network. As disclosed, a client "discovers" various server domains by issuing requests to one or more of the servers in a network. The client then characterizes responses from discovered domains as being from a native or non-native server, and compiles a list of each such server type. These lists include the discovered domains as

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locations that can be chosen as targets for client authentication requests. And accordingly, the client can initiate access to a discovered domain by issuing a client authentication request to the respective domain, which can authenticate the client against a user account for the client user.

In one of the passages cited by the Official Action, the Bertram '064 patent does disclose that the user account may have some representation of privileges for the user. However, the Bertram '064 patent does not disclose or suggest that these privileges specify a portion of a server to which the corresponding user is permitted access, similar to the access policy of the claimed invention. Rather, as disclosed by the Bertram '064 patent, and as well understood to those skilled in the art, such privileges are of the type set by policies that control the functions that clients are able to execute on a server. Thus, instead of specifying a portion of a server to which the user is permitted access, as in the claimed invention, these privileges disclosed by the Bertram '064 patent at best specify functions which the user is permitted to execute. Accordingly, even if the Davis '009 patent and the Bertram '064 patent were combined the resulting combination would fail to teach or suggest the claimed invention as set forth by independent Claim 1.

Thus, independent Claim 1 is not taught or suggested by the Davis '009 patent in combination with the Bertram '064 patent. The other independent claims, namely Claims 8 and 13, include comparable recitations to independent Claim 1 and are therefore patentably distinct from the Davis '009 patent and the Bertram '064 patent for at least the same reasons as described above in conjunction with independent Claim 1. The tertiary references likewise fail to cure the deficiencies of the Davis '009 patent and the Bertram '064 patent with the tertiary references only being cited by the Official Action in conjunction with features set forth in various dependent claims.

For each of the foregoing reasons, Applicants submit that the rejections of independent Claims 1, 8 and 13 are therefore overcome. Since the dependent claims include each of the recitations of a respective independent claim, Applicants submit that the rejections of the dependent claims are also overcome for at least the same reasons as described above in conjunction with a respective independent claim.

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### CONCLUSION

In view of the remarks presented above, it is respectfully submitted that all of the claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application. As explained above, no new matter or issues are raised by this Reply, and as such, Applicant alternatively respectfully requests entry of this Reply for purposes of narrowing the issues upon appeal.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 07-2347.

Respectfully submitted,

Date: February 21, 2006

  
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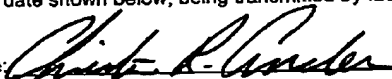
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I hereby certify that this correspondence is, on the date shown below, being transmitted by facsimile to the United States Patent Office at 571-273-8300.

Dated: February 21, 2006

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 (Christian R. Andersen)